

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

WILLIE ABNER, et al.,	)
	)
Plaintiffs,	)
	)
v.	) Civil Action File No. 2:15-CV-2040-
	) KOB
UNITED STATES PIPE AND	)
FOUNDRY COMPANY, LLC, and	) This Document Relates to All Cases
MUELLER WATER PRODUCTS, INC.	)
	)
Defendants.	)

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**JOINT STATUS REPORT**

Pursuant to the Court's June 18, 2018 Order granting the Parties' Joint Request for Extension of Stay, Plaintiffs (in this, and all related cases before this Court) and Defendants United States Pipe & Foundry Company, LLC and Mueller Water Products, Inc. respectfully submit this Joint Status Report to advise the Court on their progress in finalizing the settlement of these consolidated cases.

The Parties hereby report that a Master Settlement Agreement detailing the terms of this settlement was signed by all Parties on July 2, 2018. This agreement set a deadline for the execution of settlement releases by Plaintiffs on September 27, 2018. Counsel for Plaintiffs mailed copies of the settlement materials to every Plaintiff and then conducted multiple follow-up attempts, through phone and/or mail, to reach any nonresponsive individual. This ongoing effort has resulted in a

positive response from over 87% of Plaintiffs and executed settlement releases have been returned from 566 of the 645 total Plaintiffs in these consolidated federal cases<sup>1</sup>. The remaining Plaintiffs have been entirely nonresponsive to all attempts at communication from Plaintiffs' counsel regarding the settlement, or any other matter involving this litigation, and this is making it exceedingly difficult for Plaintiffs' counsel to adequately prosecute any claims on their behalves. These nonresponsive Plaintiffs are listed in Exhibit A to this report. Contemporaneous with this Joint Status Report, Defendants are filing an unopposed motion to compel settlement responses from these Non-Responsive Plaintiffs.

As of October 5, 2018, Defendants have received from Plaintiffs' Counsel 484 executed releases.<sup>2</sup> Defendants have reviewed and identified deficiencies with approximately 20% of those releases. Those deficiencies include, by way of example, those where either the Plaintiff or witness failed to date the release, releases that are not contemporaneously witnessed, and/or those that lack documentation demonstrating authorization to act on behalf of a deceased Plaintiff. Defendants have

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<sup>1</sup> Plaintiffs' counsel has also received executed settlement releases from 533 of 614 total Plaintiffs in the related state court proceedings pending before Judge Smitherman in the Circuit Court for Jefferson County, Alabama.

<sup>2</sup> Defendants have also received executed settlement releases from 449 Plaintiffs in the related state court proceedings.

Defendants understand that Plaintiffs' Counsel has received executed releases from an additional 130 Plaintiffs, but that those releases are being reviewed, deficiencies corrected, and that they will be provided to Defendants shortly.

advised Plaintiffs' Counsel of these errors and Plaintiffs' Counsel is working with those Plaintiffs to remedy the identified deficiencies. Finally, with regard to the 83 Plaintiffs who are minors, the Master Settlement Agreement requires the Parties to file a joint petition for appointment of a guardian ad litem to effectuate the Parties' agreement with respect to those minors. That joint petition will be filed no later than October 16, 2018.<sup>3</sup>

Respectfully submitted this 5th day of October, 2018.

/s/ Jon C. Conlin

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<sup>3</sup> There are an additional 50 Minor Plaintiffs whose claims are pending in the related state court proceedings, for whom a joint petition will also be filed in the Circuit Court for Jefferson County, Alabama.

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**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the within and foregoing on this  
the 5th day of October, 2018, by filing same with the Court's CM/ECF system,  
which will send notice to all counsel of record.

*/s/ R. Andrew Jones*  
CORY WATSON, P.C.